

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BRUCE STRICKLAND,

Plaintiff

-vs-

STATE OF NEW JERSEY; DEPARTMENT OF
CORRECTIONS COUNTY OF BURLINGTON;
CORIZON MEDICAL SERVICES, JOHN DOE
1 – 3 as unknown and or Fictitious Parties, Persons
or Business Entities

Defendants

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CIVIL ACTION NO. _____

Removed from the New Jersey
Superior Court, Burlington County

Docket Number in State Court
BUR-L-3037-14

**NOTICE FOR REMOVAL PURSUANT TO 28 U.S.C. § 1446
on behalf of DEFENDANTS DEPARTMENT OF CORRECTIONS COUNTY OF
BURLINGTON, and CORIZON MEDICAL SERVICES**

PLEASE TAKE NOTICE on this date that the defendants, Department of Corrections County of Burlington and Corizon Medical Services, (more correctly identified as “Corizon Health, Inc.”), by and through their counsel, Stephen E. Siegrist, Esquire of O’Connor Kimball LLP, has filed this Notice of Removal pursuant to 28 U.S.C. §1446(a) in the Office of the Clerk of the United States District Court for the District of New Jersey in Camden, New Jersey, by electronic filing.

The defendants, by undersigned counsel, say:

1. Counsel for Plaintiff, Bruce Strickland, filed a Complaint in Superior Court of New Jersey, Burlington County, Civil Division, Docket No. BUR-L-3037-14
2. A copy of the Complaint is attached as Exhibit “A”. Plaintiff alleges he was incarcerated in the Burlington County Jail on or about December 12, 2013, and over the course

of three weeks did not receive proper medical care in violation of his Federal and State civil constitutional rights, (see Factual Allegations, paragraphs D, Z, and Count Three, paragraph 20).

Although not clearly pled, it appears that Count Three of the Complaint, entitled “Per Se Constitutional Violations”, can be interpreted as a claim for a violation of 42 U.S.C. §1983.

Therefore, this case is appropriate for the Federal District Court to have jurisdiction over the subject matter of this action based upon a Federal Question, i.e., an alleged violation of federal civil rights in Count Three of the Complaint, pursuant to 42 U.S.C. §1983.

3. I am be representing defendants Department of Corrections County of Burlington and Corizon Medical Services, (more correctly identified as “Corizon Health, Inc.”), the medical provider at the Burlington County Jail.

4. As of the filing of this Notice of Removal, no defendants have filed any Answer yet in the State Court.

5. Defendant Corizon Medical Services, (more correctly identified as “Corizon Health, Inc.”), was served with the Complaint on February 11, 2015, (see Exhibit “B”).

6. I am aware of 28 U.S.C. §§ 1446(b)(2), and since I represent two of the three defendants, and no attorney has entered an appearance for the remaining defendant, there is no one from whom I can obtain any consent to this removal.

7. The remaining defendant is the State of New Jersey which I assume will be dismissed from the case, since to the best of my knowledge, the State of New Jersey does not operate the Burlington County Jail. Therefore, consent from the State of New Jersey is probably not relevant, and is not necessary.

8. Defendants Department of Corrections County of Burlington and Corizon Medical Services, (more correctly identified as “Corizon Health, Inc.”), have served a copy of

this Notice of Removal on the plaintiff's counsel, and has also filed a copy with the Clerk of Superior Court of New Jersey, Burlington County, Exhibit "C", in which this matter was originally filed, as required by 28 U.S.C. § 1446(d).

9. The Complaint, exhibit "A" above is all the process, pleadings, and orders served upon the defendant Corizon Medical Services, (more correctly identified as "Corizon Health, Inc."), in this action.

10. The undersigned declares that these statements are true to the best of his knowledge, information and belief. 28 U.S.C. § 1446(a).

WHEREFORE, the defendants, Department of Corrections County of Burlington and Corizon Medical Services, (more correctly identified as "Corizon Health, Inc."), respectfully request that this action now pending in Burlington County, Superior Court of New Jersey, be removed to the United States District Court.

PLEASE TAKE FURTHER NOTICE that the defendants, Department of Corrections County of Burlington and Corizon Medical Services, (more correctly identified as "Corizon Health, Inc."), through their attorney, upon filing the Notice of Removal in the Office of the Clerk of the United States District Court for the District of New Jersey, by electronic filing, has also filed a copy of the Notice with the Clerk of the Superior Court of Burlington County, New Jersey, to effect removal of this action to the United States District Court pursuant to 28 U.S.C. §1446(d). A copy of the notice letter directed to the Clerk of the Superior Court in Burlington County is attached hereto as Exhibit "C".

PLEASE TAKE FURTHER NOTICE that the defendants, Department of Corrections County of Burlington and Corizon Medical Services, (more correctly identified as "Corizon Health, Inc."), have provided a copy of this Notice of Removal to plaintiff's counsel, Anthony

M. Radice, Esquire, 634 Arena Drive, Suite 204, Hamilton, NJ 08610-3400. The appropriate Proof of Mailing is attached hereto as Exhibit “D”.

O’CONNOR KIMBALL LLP

BY: /s/ STEPHEN E. SIEGRIST

STEPHEN E. SIEGRIST

51 Haddonfield Road, Suite 330

Cherry Hill, NJ 08002

(856) 663-9292, fax (856) 663-6566

e-mail: ssiegrist@okllp.com

Attorneys for defendants, Department of
Corrections County of Burlington and Corizon
Medical Services, (more correctly identified as
“Corizon Health, Inc.”)

DATED: February 27, 2015

File #: 210-0737